Human Rights Center “Viasna”

Human Rights Situation in Belarus in 2016

Analytical review

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I. SUMMARY

- changes in the geopolitical situation in the neighboring countries continued to have a significant impact on both external and internal political situation in the country during 2016, which in turn affected the human rights situation in Belarus;

- the year saw a continuation of the policy of 'soft practices', which began in August 2015, as the authorities kept abstaining from violent dispersals of unauthorized protests, detention of protesters and sentencing them to short jail terms. At the same time, the year was marked by a nearly sevenfold boost in the number of cases when citizens were fined under administrative procedures for exercising freedom of peaceful assembly and expression, as compared to the previous year;

- we have to state that there were no systemic changes aimed at a qualitative improvement of the human rights situation in the country. Basic civil and political rights were still restricted at the legislative level. Despite an overall decrease in the scale of repression, the level of control over the society remained very high;

- the elections to the House of Representatives of the National Assembly of the 6th convocation were held on 11 September 2016; the vote did not lead to a significant increase in repression in the country and was held against a more favorable internal political background than in earlier campaigns. At the same time, the elections did not meet a number of key international standards for democratic and free elections, and the few, but widely announced changes to some decisions of the CEC were insufficient to qualitatively change the character of the campaign towards greater democracy and transparency;

- in 2016, the authorities were not able to fully give up the practice of politically motivated prosecutions. During the year, human rights defenders documented cases of prosecution on political grounds against seven persons: Vadzim Zharomski, Maksim Piakarski, Viachaslau Kasinerau, Dzmitry Paliyenka, Eduard Palchys, Aliaksandr Lapitski and Uladzimir Kondrus.

- at the same time, public reaction of the country's civil society, advocacy campaigns and statements by human rights organizations about the political grounds of the above criminal cases helped release the defendants who were not subjected to sentences involving deprivation of liberty;

- places of detention continued to hold Mikhail Zhamchuzhny and Aliaksandr Lapitski, the prosecution of which was recognized by the human rights community as politically motivated harassment, while the prisoners themselves were recognized as political ones;

- Belarus continued to execute death convicts. During the year, four people were executed and four more were sentenced to death, two of which are still on death row;

- in 2016, human rights activists documented numerous instances of abuse committed by police officers. Monitoring of penal facilities helped expose a number of deaths of prisoners in institutions of the Ministry of Internal Affairs' Department of Corrections. During the year, several persons

complained about disproportionate use of force and cruel, degrading treatment. The majority of these cases, however, were not properly investigated by the supervisory authorities;

- in 2016, the government continued to practice forced labor. Numerous complaints sent by human rights activists to the prosecuting authorities and other public bodies were left without an appropriate response. In 2016, the authorities began to enforce Presidential Decree No. 3, which ordered certain categories of citizens to pay a special fee to reimburse state expenditures in the social sphere. In the case of non-payment of such a charge, these persons are subject to administrative responsibility, including administrative detention with compulsory labor;

- following the country's passage of the second round of the Universal Periodic Review (UPR) at the United Nations Human Rights Council, the Belarusian Council of Ministers approved an inter-ministerial Plan of Action to implement the recommendations made within the UPR procedure. The country's human rights community welcomed the move and emphasized their commitment to the common positions voiced in 2015-2016. Human rights defenders also called on the government to work closely with civil society organizations;

- despite repeated calls by the human rights community to create dialogue platforms for interaction with government agencies and to introduce the National Institute of the Ombudsman for Human Rights, there was no adequate and meaningful cooperation with the state during the year.

II. POLITICALLY MOTIVATED CRIMINAL PROSECUTION. POLITICAL PRISONERS

The year was marked by a downward trend in the number of cases of politically motivated prosecution, which had been observed since August 2015.

At the same time, the Belarusian authorities failed to fully abandon the practice of criminal prosecution of citizens for political reasons, as the country's human rights groups reported political motives in a number of criminal cases opened in 2016.

On January 9, the court of the Frunzienski district of Minsk pronounced its verdict in the so-called 'graffiti case'. The court sentenced Vadzim Zharomski to a fine of 10.5 mln rubles, Maksim Piakarski to a fine of 8.4 mln rubles, and Viachaslau Kasinerau to a fine of 6.3 mln rubles, finding them guilty of damage to property. It should be noted that from the beginning of their prosecution, the Belarusian human rights community did not agree with the qualification of their actions under Part 2, Art. 339 of the Criminal Code (hooliganism), regarding the criminal case as politically motivated and called for its termination.

On April 29, activists Dzmitry Paliyenka and Stanislau Kanavalau were detained during a monthly peaceful cycling event called *Critical Mass*. They faced criminal charges under Art. 364 of the Criminal Code (violence or threat of violence against a law enforcement officer). Later, Kanavalau was released on recognizance, while Paliyenka was taken into custody and placed in a detention center in Žodzina. According to investigators, he had resisted the traffic police officers who stopped his actions, and tore the clothing of one of the policemen. Later, the activist faced pornography charges.

The Human Rights Center “Viasna” said in a statement that the use of force against the peaceful protesters was excessive, stressing the politically motivated nature of criminal charges against Paliyenka and calling to release him from custody before the trial.

On October 12, Judge Valery Yesman of Minsk’s Centraĺny District Court found Paliyenka guilty under Article 364 of the Criminal Code (violence or threat of violence against a law enforcement officer") and Part 2, Article 343 of the Criminal Code (manufacture and distribution of pornographic materials or pornographic items) and sentenced him to 2 years of suspended imprisonment. The activist was released in the courtroom.

On October 28, the Minsk City Court sentenced blogger Eduard Palchys to 21 months of conditional restraint of liberty. Palchys was released in the courtroom. The trial was held behind closed doors. The court found him guilty of committing crimes under Part 1, Art. 130 (inciting racial, national or religious enmity or discord), and Part 2, Art. 343 (distribution of pornographic materials) of the Criminal Code. On October 5, several human rights organizations issued a joint statement to name Palchys a political prisoner.

On April 12, a ruling of the Court of the Frunzienski district of Minsk found that Aliaksandr Lapitski committed socially dangerous acts provided for in Article 368 (insulting the President of the Republic of Belarus), Article 369 (insulting an official), Article 391 (insulting a judge or a lay judge) of the Criminal Code of Belarus, and these acts were committed in a state of unconsciousness. As a result, Lapitski was subjected to compulsory security measures and treatment.

In this regard, the HRC “Viasna” issued a statement to once again call on the authorities to decriminalize such actions and to cease criminal prosecution for defamation offenses. The statement also noted that the decision on the forced hospitalization of Aliaksandr Lapitski should have been taken based solely on the security of citizens and of Aliaksandr Lapitski, and in the absence of such threats – not to infringe on his personal freedom.

On July 12, the court of the Frunzienski district of Minsk re-examined the criminal case against Aliaksandr Lapitski, who was found guilty of insulting President Aliaksandr Lukashenka, Prosecutor General Aliaksandr Kaniuk, as well as a number of judges and prosecutors. Due to the fact that the results of a psychiatric examination found Lapitski mentally ill, the court ordered compulsory medical measures, namely forced treatment in a psychiatric hospital.

On November 14, it was announced that Aliaksandr Lapitski had been sent for compulsory treatment in a psychiatric hospital, after the Court of Minsk’s Frunzienski district found him insane in relation to unlawful acts committed under Articles 368 (insulting the President of Belarus), 369 (insulting an official) and 391 (insulting a judge) of the Criminal Code.

We should also mention the criminal prosecution of Uladzimir Kondrus, a participant in the events of 19 December 2010 in Minsk’s Independence Square. According to the human rights community, Kondrus’s actions could not be categorized under Part 2, Art. 293 of the Criminal Code (rioting), since, according to the defenders’ estimates, the demonstration of 19 December 2010 in Minsk was peaceful, while the protesters exercised their right to freedom of peaceful assembly and expression. Moreover, the statute of limitations of other articles of the Criminal Code, under which

they could have been qualified, had already expired. In our opinion, the detention of Uladzimir Kondrus on charges under Art. 293 of the Criminal Code was one of the repressive actions of the authorities, which should have been left in the past.

On August 10, Belarusian human rights organizations issued a joint statement to recognize Uladzimir Kondrus a political prisoner. The statement stressed that Kondrus's actions could not be qualified under Article 293 of the Criminal Code of Belarus (rioting), while the statute of limitations for other Criminal Code articles, under which they might be qualified, have already expired.

On December 26, the court of the Maskoŭski district of Minsk began the consideration of the criminal charges of involvement in the riots of 19 December 2010 in Minsk, which were brought against Uladzimir Kondrus. The case was heard by Judge Sviatlana Bandarenka.

Uladzimir Kondrus was brought to the courthouse, but refused to enter the courtroom. The trial began without him, and the judge decided to remove the defendant for the entire period of the hearing.

The court eventually found Uladzimir Kondrus partially insane in relation to the acts committed by him and took the fact into account, applying the provisions of Art. 70 of the Criminal Code (appointment of a more lenient sentence than that provided for the offense) and sentencing Kondrus to 18 months of restraint of liberty without sending him to an open-type penal institution. He was also sentenced to forced outpatient treatment. The court also ordered to change the measure of restraint and to immediately release Kondrus from custody in the courtroom. Taking into account the time Kondrus spent in custody, he will be under restrictions for the period of six months.

On March 14, it became known that the Investigative Committee ordered the suspension of the criminal case against a presidential candidate in the 2010 elections Ales Mikhalevich. Mikhalevich himself, however, remained in the status of the accused, but the earlier measure of restraint of a subscription on his own recognizance was canceled.

The majority of politically motivated criminal cases that were opened in 2016 related to the citizens' exercising of their freedom of expression, while the authorities' reaction was clearly disproportionate. A total of seven people faced politically motivated criminal charges in 2016. Six of them were held in custody, and were accordingly recognized by the human rights organizations as political prisoners. The compulsory detention of Aliaksandr Lapitski in a psychiatric hospital also qualifies him as a political prisoner.

It should be noted that the public reaction and statements by the human rights organizations about the political motives for prosecution in the above criminal cases helped release the defendants from custody and prevented the authorities from applying penalties associated with deprivation of liberty. This trend, in our opinion, is due to the new geopolitical situation, which has a significant impact on the political environment in Belarus.

Mikhail Zhamchuzhny continued to serve his sentence in prison. His prosecution was recognized by the human rights community as politically motivated. Human rights activists demanded an

immediate reconsideration of his criminal case in an open trial in compliance with fair trial guarantees, which does not preclude the application of a wide range of legal measures, such as a pardon, amnesty and parole.

III. RIGHT TO LIFE. THE DEATH PENALTY

The problem of the death penalty in Belarus was still highly relevant during the year and was repeatedly criticized by the EU. The question of the death penalty remained one of the key issues that shaped the EU policy towards Belarus.

According to human rights defenders, four persons were executed in Belarus in 2016: Siarhei Ivanou, Ivan Kulesh, Siarhei Khmialeuski and Henadz Yakavitski.

Two more persons were sentenced to capital punishment, Kiryl Kazachok and Siarhei Vostrykau, and are currently held on death row.

It should be noted that the four executions of 2016 were enforced despite the interim measures of protection requested by the UN Human Rights Committee after the death convicts' individual communications were registered by the Committee. This fact is viewed by both the human rights community in Belarus and HRC experts as a non-compliance by Belarus with its international obligations deriving from the provisions of the First Optional Protocol to the International Covenant on Civil and Political Rights, a treaty ratified by the Republic of Belarus. Belarus has systematically executed prisoners in spite of the UN HRC interim measures.

During the year, two conferences on the death penalty were held in Belarus under the auspices of the Foreign Ministry and in cooperation with international organizations, primarily the Council of Europe and UNDP Office in Minsk. Representatives of several human rights organizations were invited to the conference held on March 10. However, the Human Rights Center "Viasna" was not invited. During the conference, Deputy Foreign Minister of Belarus Valiantsin Rybakou said that "unregistered organizations will not take part in the activities organized by the Ministry of Foreign Affairs."

Representatives of the HRC "Viasna", Valiantsin Stefanovich and Andrei Paluda, were invited to participate (although in their personal capacity) in the conference "Abolition of the Death Penalty and Public Opinion", which was held in Minsk on December 13.

Thus, the official Minsk combined debate on the death penalty with its application in practice, which is evidence of imitation of a dialogue, rather than real steps towards a moratorium on the death penalty.

The country's human rights community, in turn, continued to urge the authorities to introduce a moratorium as a first step towards a total abolition of this form of punishment.

The International Federation for Human Rights prepared in cooperation with the Human Rights Center "Viasna" an analytical report on the death penalty in Belarus entitled "Death Penalty in Belarus: Murder on (Un)Lawful Grounds", which was presented at a press conference on

December 6 in Minsk. The event was attended by Jim Couzens, Deputy Head of European Union's Mission in Belarus, Florence Bellivier, Deputy Secretary General of FIDH and former president of the World Coalition Against the Death Penalty, Sasha Koulaeva, Head of FIDH's Eastern Europe and Central Asia Desk, and Andrei Paluda, coordinator of the campaign *Human Rights Defenders against the Death Penalty in Belarus*.

In October, the Human Rights Center "Viasna" arranged a traditional Week Against the Death Penalty, which included a series of activities that promoted the idea of the abolition of this type of punishment.

IV. SOCIO-ECONOMIC RIGHTS. FORCED LABOR

In 2016, the HRC "Viasna" documented numerous instances of using forced labor. Some of these facts were covered in the publications of a number of independent media. In separate cases, the HRC "Viasna" received copies of orders by heads of local executive committees who instructed managers of state-owned enterprises to send their employees to harvest crops or clean up forest belts along highways.

The tradition of sending government employees for unpaid work dates back to the Soviet times and is systematically applied in our days.

At its core, this practice is nothing more than forced labor under the threat of disciplinary or other penalties (termination of short-term employment contracts). It includes so-called 'subbotniks', de-facto obligatory unpaid work at the weekend.

Orders to perform duties that are not stipulated by the labor contract are a violation of applicable national legislation of Belarus.

Much publicity was sparked by the case of Viktoryia Papchenia, a 13-year-old schoolgirl, who died under the wheels of a truck when picking potatoes in Maladziečna district. Viktoryia, along with other children, was assigned to harvest potatoes by local executive officials.

Numerous complaints by lawyers of the HRC "Viasna" calling for a proper investigation of the violations were ignored by the prosecuting authorities.

During the year, Belarus continued to practice forced labor of persons suffering from alcohol dependence, including those isolated (in fact, deprived of their liberty) in so-called LTPs (activity therapy centers).

The demand to abolish forced labor and to ensure adequate protection of workers' rights was one of the key requirements by the UN Committee on Economic, Social and Cultural Rights and the ILO's Committee on the Application of Standards.

In 2016, Presidential Decree No. 3 "On Prevention of Social Dependency" began to be actively used. The bill triggered much criticism in the Belarusian society, including among independent trade unions and human rights defenders. The Decree ordered unemployed people, including mothers with children older than 7 years old, to pay a special fee, thus participating in the

financing of public expenditures. In the case of a failure to pay the fee, such persons are subject to administrative responsibility in the form of a fine or administrative arrest for up to 15 days, including community labor.

V. HUMAN RIGHTS DEFENDERS

In 2016, there were separate contacts between the government bodies and the human rights organizations. They primarily dealt with events involving the Ministry of Foreign Affairs and a number of international organizations, PACE, UN and OSCE, in particular. Sometimes, human rights organizations, which are officially registered, were invited to these events. In particular, such a meeting was held by the Ministry of Foreign Affairs in connection with the adoption of the Inter-Ministerial Human Rights Plan of Action.

Human rights organizations, which were previously deprived of registration, were not, as a rule, invited to these meetings.

At the same time, it should be noted that no full-fledged dialogue platforms were created in the country for an ongoing interaction of human rights organizations with the authorities. The government did not establish the National Institute of the Ombudsman for Human Rights.

In turn, the human rights community has repeatedly called on the authorities to launch a dialogue on human rights between the state institutions and human rights organizations, to establish the National Institute of the Ombudsman and to be involved together with the civil society groups in developing a National Human Rights Plan of Action.

The government preserved the highly flawed procedures and practices of registration of public associations: in the course of the year, the Ministry of Justice did not register a single independent public association.

Lack of progress in the implementation of freedom of association and the unconstructive statements by a number of government officials in relation to the Human Rights Center “Viasna” demonstrated the rigid position of the authorities on the issue of Viasna’s registration. In this connection, further appeals to the Ministry of Justice with requests for state registration are very predictable and meaningless.

Simultaneously, the Ministry of Foreign Affairs did not reply to an appeal sent by the Chairman of the Human Rights Center “Viasna”, the then Vice-President of FIDH Ales Bialiatski, and FIDH Executive Director Antoine Bernard to the Minister of Foreign Affairs Uladzimir Makei.

Late last year, FIDH wrote to Makei asking the official to respect the decision taken by the UN Human Rights Committee in Bialiatski’s case. The appeal reminded about the nature of the UN HRC’s decision. The Committee said that the prosecution of Ales Bialiatski was a violation of his right to freedom of association, since, according to the Committee, it were the numerous refusals to register the HRC “Viasna” that empowered the authorities to prosecute the NGO’s head.

In its decision, the Committee urged the Belarusian government within 180 days from the date of the adoption of its Views, to undertake steps that would result in an effective and enforceable remedy to Ales Bialiatski, "including (a) the reconsideration of the application for registration of the Viasna Association, based on criteria compliant with the requirements of Article 22 of the Covenant; (b) annulment of the criminal conviction from his criminal record; and (c) adequate compensation, including reimbursement of the legal costs incurred. The State of Belarus is also under the obligation to take steps to prevent similar violations in the future. In this connection, the State should review its internal legislation to ensure its compliance with the requirements of Article 22 of the Covenant."

The Belarusian authorities refused to meet the demands by the Belarusian human rights community to cancel all previous decisions in relation to human rights activist Alena Tankachova, who was expelled from the country in February 2015.

On November 14, the Mahilioŭ interdistrict department of the Investigative Committee opened a criminal case under Part 2 of Article 411 of the Criminal Code (willful disobedience to the correctional institution administration) against imprisoned human rights activist Andrei Bandarenka, earlier known as the founder of the human rights institution *Platform Innovation*. If convicted, he could face a new sentence of up to two years in prison.

The decision to open a criminal case against Bandarenka stems from a series of disciplinary penalties, which he was not able to challenge in court.

It should also be noted that the presence in the Criminal Code and the practical application of Art. 411 have repeatedly evoked criticism from the human rights community of Belarus, as this article can be arbitrarily and selectively used by the administrations of correctional institutions in respect of disloyal prisoners, including for the purpose of politically motivated prosecutions. In 2014, Bandarenka was found guilty of hooliganism against three people and sentenced to three years in prison. He was expected to be released on 31 March 2017. During his stay in prison, Bandarenka has been repeatedly subjected to pressure from the prison authorities. Representatives of the Belarusian and international human rights community said that the harassment and the opening of a new criminal case against Bandarenka were linked to his earlier human rights activities. They demanded to stop his prosecution and noted that in the event of his conviction, the criteria applied by the human rights activists allow to qualify him as a political prisoner.

VI. FREEDOM OF PEACEFUL ASSEMBLY

In 2016, the government still practiced widespread violations of the freedom of peaceful assembly and failed to implement its positive obligations in this area.

Peaceful protesters still faced severe restrictions on organizing demonstrations and pickets, as the organizers were obliged to obtain permission from local authorities; such permission may only be granted upon the fulfillment of disproportionately wide obligations to ensure the protection of public order, health care and cleaning of the territory. As a result, the holding of peaceful assemblies and pickets is made dependent on the financial situation of the applicants and the

consent of the law enforcement agencies, health care facilities and public utilities. This situation has been repeatedly criticized by human rights activists.

The new practice of responding by law enforcement bodies and courts to violations of picketing restrictions should not be viewed as the beginning of a period of respect for freedom of peaceful assembly. While peaceful assemblies were never dispersed by the police, active participants faced charges and later stood trials. The courts (with the sole exception of Pavel Siarhei who was sentenced to 7 days in jail) switched to the practice of imposing fines, instead of short prison terms in trials against organizers and active participants in peaceful assemblies. This clearly characterizes the degree of dependence of the judiciary, as the judges started applying this type of penalties even to those opposition activists who used to be punished with administrative arrests citing 'impossibility' to apply a softer kind of punishment.

Despite the fact that the fine is less severe punishment than an administrative arrest, as well as the absence of cases of violent dispersals of peaceful assemblies, it is too early to say that the exercise of this freedom has become accessible. The amounts of fines imposed on a number of politicians and activists often exceed their financial possibilities. In this regard, there were documented cases of confiscation and attempts to sale by auction the activists' property to pay off the fines for the exercise of their inalienable rights.

It should be noted that, despite the lack of hard measures, which used to be regularly practiced by the authorities to prevent or stop peaceful assemblies, there was not a single case when such meetings or pickets posed a threat to national security, public order, health or morals of other citizens, or would be accompanied by illegal behavior of their participants.

In 2016, the authorities traditionally allowed the opposition to hold several significant street protests, including the demonstration on Freedom Day, Čarnobyĺski Šliach, and the Dziady memorial event. However, some of the organizers and active participants in these demonstrations were fined on spurious grounds.

The rest of the events were held, as a rule, without applying for permission to local authorities. The participants of such meetings and pickets faced repression from the authorities.

In the first half of 2016, dozens of activists were prosecuted for participating in protests staged across Belarus to protect the interests of entrepreneurs.

Penalties were used against participants of peaceful pickets in support of Ukrainian prisoner Nadiya Savchenko, pickets against raising the retirement age, and protests with other socio-economic slogans. Fines were imposed on participants of numerous pickets of solidarity with political prisoners. A number of participants in street events carried out during the parliamentary elections were also prosecuted. The courts once again convicted dozens of opposition activists on charges of involvement in the annual event commemorating the 1863 uprising of Kastus Kalinouski.

In 2016, the Human Rights Center "Viasna" documented a total of 484 cases of imposing administrative penalties for the exercise of the right to peaceful assembly and freedom of expression, which is almost seven times more than the level of repression in 2015.

Having analyzed the situation, the Human Rights Center "Viasna" issued, as early as on April 4, a statement to urge the authorities to stop the persecution of citizens in connection with the exercise of freedom of peaceful assembly and expression.

It should be noted that a situation where participants of peaceful assemblies are not subjected to violence is quite fragile and can change at any moment. Opposition activist Dzmitry Dashkevich was reportedly beaten by the police after he protested against the unveiling of a new monument to Lenin in Minsk on November 7. Dashkevich was dragged into a police bus, where he claims he was badly beaten and humiliated by police officers who tried to force him suck a police baton. The doctors later found numerous bruises on the activist's body. However, it was Dashkevich who stood trial. The policemen testified as witnesses and denied the fact the activist was beaten.

VII. TORTURE, CRUEL, INHUMAN AND DEGRADING TREATMENT

In 2016, human rights activists documented numerous instances of abuse committed by employees of the Interior Ministry. There were several cases when prisoners died while in detention in the facilities run by the Ministry's Department of Corrections.

On January 9, the Human Rights Center "Viasna" received a complaint from Larysa Zhyhar, representative of the public initiative *Mothers' Movement 328*, who said that Yahor Pratasenia, 20, had committed a suicide attempt in the Žodzina jail to protest torture and abuse during the investigation and detention. Pratasenia was arrested by the General Directorate for Drug Control and Human Trafficking in April 2015. During his detention he was brutally tortured by employees of the Directorate. Since April, he hatched a plan of suicide, telling his mother in every letter that by his death he was going to punish the employees. The prison censors did not stop these letters, paying no attention to his words. On December 28, Pratasenia was sentenced to 14 years in prison. At the trial, he told his mother not to file an appeal, since he did not want to live. On January 5, the guy tried to hang himself. After a long coma, the man died on March 29. However, none of the policemen involved in the case was prosecuted.

Viachaslau Kasinerau, one of the defendants in the 'graffiti case', who requested to prosecute the policemen who badly beat him during his arrest on August 11 last year, was told that the criminal proceedings were suspended in connection with a "failure to identify the person to be criminally responsible" for breaking the activist's jaw.

Before the start of the trial in the 'graffiti case', several activists displayed a banner reading "No To Political Persecution". They also chanted, "Art Is No Crime". Then they were forcibly taken out of the courtroom. Pavel Siarhei and Maksim Shytsik were taken to the adjacent room and beaten by police officers. Pavel Dabravolski, a reporter for the tut.by portal, who was covering the trial, was also detained along with the activists. All attempts to prosecute the police officers for abuse and ill-treatment failed.

Aleh Bahdanau, an inmate of Žodzina jail No. 8, died on January 29. Bahdanau had a cardiac disease, and in 2014 he underwent heart surgery. After the surgery, he had to take medicines, regularly undergo tests and be under care of a cardiologist. All this could not be provided in detention. Shortly before his death, Bahdanau complained about the lack of treatment and harassment by the prison staff, since for health reasons he was forced to break prison rules, in particular by lying on the bed in the daytime. Aleh Bahdanau was sent to solitary confinement for violations of prison rules, although his sentence had not entered into force (afterwards, the conviction was overturned by a court of appeal), and died on January 29. His body showed injuries typical of a beating. After his mother complained to the Investigative Committee, the authority said the case would be investigated.

Viasna learned about the use of violence and ill-treatment in the detention center in Homieĺ against a minor suffering from dementia. His detention was accompanied by violations of procedural rights. He was reportedly beaten and sexually assaulted by his cellmates. The teenager was also beaten during a psychiatric examination. The victim's foster mother does not rule out that police officers could have been involved in the illegal acts. The woman also reported pressure from the investigator, including threats by the phone and insulting letters sent to her employer. She said that the prisoner, in the absence of a counsel, wrote a confession, but later rejected it. The violence report was not properly investigated, and many details are still unclear. However, these circumstances did not prevent the court to hear the criminal charges and sentence the youth to 9 years in prison. None of those involved in the harassment of the minor was suspended from work for the period of investigation.

In 2016, the human rights defenders of *Viasna* repeatedly wrote to the Minister of Internal Affairs in connection with the ill-treatment of imprisoned human rights defender Andrei Bandarenka, former head of the *Platforma* initiative. The human rights defender was subjected to excessive measures in the circumstances, which, taken together with the other aspects of imprisonment, were evidence of abuse against him in connection with his earlier human rights activities. The human rights activists called to stop the groundless harassment of Bandarenka on the part of the Department of Corrections, to investigate the conditions of his detention, and to allow the prisoner's meeting with representatives of the human rights organizations.

On October 21, the Court of Maskoŭski district of Minsk sentenced Aliaksandr Krylou, employee of a jail hospital in Minsk, to three years of imprisonment in a penal settlement. The doctor was found guilty of professional misconduct (Part 2, Article 162 of the Criminal Code), which negligently caused the death of a patient, Ihar Ptsichkin, who died on 4 August 2013, a few days after he was sentenced to three months in jail for driving without a valid driver's license. The trial that began on September 16 was the last phase of a 3-year-long investigation opened at the request of the victim's mother, Zhanna Ptsichkina, who received extensive assistance from Viasna's human rights defenders. The Minsk City Court later slightly reduced the sentence to the police officer.

In 2016, the Human Rights Center "Viasna" received several complaints from persons who were victims of a disproportionate use of force and cruel, degrading treatment, sexual abuse threats by police officers during arrest on suspicion of committing offenses. The reports were not properly

investigated and the findings announced by the investigators often contradicted the objective circumstances established in the cases.

The Žodzina city department of the Investigative Committee opened a criminal investigation into the death of Ihar Barbashynski, an inmate of local jail, in September 2016. Charges were brought against employees of the jail hospital and the city clinic. The human rights defenders received information about numerous injuries on the victim's body that were inflicted before his death, as well as wounds on the head, which could have formed during the period of his stay in prison No. 8 in Žodzina.

VIII. RESTRICTIONS ON FREEDOM OF SPEECH AND RIGHT TO DISSEMINATE INFORMATION. PERSECUTION OF JOURNALISTS

On July 31, TV channel Belarus 1 aired a special report entitled "Opinion Polls in Belarus: True or Fake?". The story argued that IISEPS (International Institute for Social, Economic and Political Studies) did not actually carry out polls in Belarus, and therefore their studies were falsified and should not be trusted. The report also said that the 'investigative materials' could be submitted to the law enforcement agencies. A few hours later similar reports were published in major state-run media of the country, the Sovetskaya Belorussia daily and the website of the BELTA news agency. As a result of harassment against some of the Institute's employees, IISEPS founder Aleh Manaeu announced the termination of its activity in Belarus. The human rights community definitely linked the harassment of IISEPS to last year's parliamentary elections.

The first half of 2016 was marred by numerous instances of prosecution of freelance journalists for the performance of their professional duties.

Journalist Larysa Shchyrakova and Kanstantsin Zhukouski were charged four times each and were eventually convicted under Article 22.9 of the Administrative Code (Illicit manufacture of media products). They were punished by heavy fines for working as journalists of foreign media without accreditation.

Kanstantsin Zhukouski was subjected to even more stringent methods of harassment: in June 2016, police officers in Lojeŭ, Homieĺ region, detained him and another freelance journalist Aliaksei Atroshchanka as they were shooting a story about the problems of a local brick factory. According to Zhukouski, they spent more than five hours in the police department, where they were forced to lie on the floor and threatened with violence. He also said that the police officers put their feet on the journalists' heads and twisted their hands. Following a probe, the Investigative Committee refused to charge the police officers.

Following a three-month's probe, the Investigative Committee decided not to initiate a criminal investigation into the beating of a TUT.BY journalist Pavel Dabravolski in the building of the Frunzienski District Court on January 25. The investigator agreed with the version of the police saying that Dabravolski's actions gave reason to view him as an offender and therefore the use of violence was justified.

The police repeatedly detained without sufficient grounds reporters of the Belsat TV Channel. In December, police officers detained cameraperson Iryna Arekhouskaya and journalist Mikita Nedaverkau, both working for the nn.by website. The police argued that the journalists violated the law, because shooting near the KGB building was prohibited.

IX. VIOLATIONS OF FREEDOM OF ASSOCIATION

On March 3, the Ministry of Justice for the sixth time denied registration to the Belarusian Christian Democracy. The Party first tried to obtain registration in 2009, with four more unsuccessful attempts between 2010 and June 2015 when the fifth founding congress was held in Minsk. Prior to that, the Belarusian Christian Democrats repeatedly tried to register as a regional and national association.

Hrodna officials denied registration to the public association *Mothers' Movement 328*. The initiative brought together the relatives of persons convicted of drug-related offenses; the purpose of the initiative is to provide material and psychological assistance to prisoners and their families, as well as media and legal support.

On April 29, it became known that the Ministry of Justice for the fifth time in six years refused to register the campaign *Tell the Truth*. The decision referred to the vaguely formulated goals of the association's activities and a failure to divide the functions of the campaign's two leaders.

The Ministry of Justice twice refused registration to the founders of the public association "Committee for the Support of Entrepreneurship *Solidarity*". Appealing against the first decision proved to be ineffective; an appeal against the other one will be submitted in early 2017. The reason for the refusal was the organization's name, as well as several other minor flaws. The decision to refuse registration to the public association is a direct violation of the right to association. The minor flaws in a large volume of documents submitted for registration do not fall under the permissible restrictions on the right to association.

On June 28, the Mahilioŭ Regional Department of Justice denied state registration to the public association Center for Gender Studies *Ruža*. According to the registering authority, the NGO's statutory objectives to combat discrimination on grounds of gender do not fall within its competence, as equality is guaranteed by the authorized state bodies.

Experts of the HRC "Viasna" repeatedly stressed that refusals to register NGOs are arbitrary and politically motivated, as they are in no way affiliated with the permissible restrictions on freedom of association contained in Art. 5 of the Constitution of the Republic of Belarus and Art. 22 of the International Covenant on Civil and Political Rights.

X. IMPLEMENTATION OF BELARUS' INTERNATIONAL OBLIGATIONS

On July 1, the United Nations Human Rights Council adopted a resolution, which covered a wide range of human rights violations in Belarus. The same resolution renewed the mandate of the UN Special Rapporteur on Belarus, the only watchdog the international community has to follow

developments in Belarus. The resolution referred to a number of serious violations of human rights, responsibility for which lies with the Belarusian government, including torture, enforced disappearances, forced labor, violations of freedom of media, freedom of expression and association, arbitrary detention and harassment of human rights defenders, political opponents and journalists, and impunity for human rights violations. The document also expressed regret at the lack of cooperation of the government with the United Nations and regional mechanisms in the field of human rights.

On October 24, the Council of Ministers adopted an interagency action plan to implement the recommendations made within the Universal Periodic Review (UPR) and the recommendations addressed to the Republic of Belarus by the UN human rights treaty bodies. The country's human rights community welcomed the move and emphasized their commitment to the common positions voiced in 2015-2016. Human rights defenders also called on the government to work closely with civil society organizations.

On December 5, UN human rights experts said in a statement that they were outraged by Belarus' continued use of the death penalty following reports that two men whose cases were before the UN Human Rights Committee had been executed, despite a specific request from the Committee not to carry out the planned executions. Non-compliance with the Committee's request for interim measures to halt the executions constitutes a violation by Belarus of its obligations under the Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), to which it is a State party. According to the Human Rights Committee, such requests are binding.